

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

WILLIE CALHOUN #315974,

Plaintiff(s), Case No. 07-CV-11613

vs. Hon. David M. Lawson  
United States District Judge

SERGEANT HILL, et. al., Michael J. Hluchaniuk  
Defendant. United States Magistrate Judge

/

**ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL**

This matter is before the Court on Plaintiff's Motion For Appointment Of Counsel. (Dkt. #27). The Prisoner, an inmate currently at the Carson City Correctional Facility brings this action under 42 U.S.C. § 1983, claiming a violations of his 8<sup>th</sup> Amendment and 14<sup>th</sup> Amendment Rights. The Plaintiff alleges deliberate indifference to his medical needs by the Defendants for failing to provide him with a surgical procedure due to an injury to his finger, and failure to provide needed medication related to his injury. This case was originally referred for all pretrial purposes by the Honorable David M. Lawson to Magistrate Judge Paul J. Komives. On January 14, 2008 a Notice of reassignment to the undersigned Magistrate Judge was entered.

In support of the request for counsel, the Plaintiff states that he is unable to afford counsel; he has a learning disability, and that his knowledge of the law is limited. Further, the Plaintiff requests that counsel should be appointed due to the complex nature of the case.

Under 28 U.S.C. § 1915(e)(1), a federal court may request an attorney to represent an indigent plaintiff. *Reneer v Sewell*, 975 F.2d 261 (6th Cir. 1992). Except in rare circumstances, it is the practice of this Court to consider the appointment of counsel in prisoner civil rights cases where exceptional circumstances exist, or in certain cases only after a motion to dismiss or for summary judgment has been decided. In order to make the determination whether there are exceptional circumstances to appoint counsel, the Court considers the type of case involved, plaintiff's ability to represent himself, as well as the complexity of the case, and also whether the claims being presented are frivolous or have a small likelihood of success. *Reneer*, 975 F.2d at 261; *Mars v Hanberry*, 752 F.2d 254, 256 (6th Cir. 1995). While Plaintiff indicates that he does not feel adequately trained in legal issues to handle this case, it appears however, that from reading the Complaint, and subsequent pleadings that he has filed, he does have an adequate understanding of the matters involved in this case, and is able to articulate his claims and arguments in a reasonable fashion. It also appears that the issues raised in his Complaint are straightforward and understandable and not of an unduly complex nature.

**IT IS HEREBY ORDERED** that Plaintiff's motion for appointment of counsel is hereby **DENIED WITHOUT PREJUDICE** pending a review of the dispositive motions in this matter.

**IT IS SO ORDERED.**

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: March 18, 2008

s/ Michael J. Hluchaniuk  
Michael J. Hluchaniuk  
United States Magistrate Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Ronald W. Chapman, Clifton B. Schneider, Carly A. VanThomme, and I hereby certify that I have mailed by United States Postal service the paper to the following non-ECF participants: Willie Calhoun #315974, Carson City Correctional Facility, 10522 Boyer Rd., Carson City, MI 48811

s/James P. Peltier  
James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
600 Church St.  
Flint, MI 48502